

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

UNITED STATES OF AMERICA,

Case No. 2:93-CR-259 JCM

ORDER

V.

RICK LEE ARCHER,

Defendant(s).

Presently before the court is petitioner Rick Lee Archer's renewal of his motion to vacate, set aside, or correct sentence under 28 U.S.C. § 2255. (ECF No. 172)

The Honorable Lloyd D. George denied petitioner’s initial motion under § 2255 on January 31, 2020. (ECF No. 153). On June 30, 2020, the Ninth Circuit declined to issue a certificate of appealability as to that order. (ECF No. 173). During the pendency of that request, petitioner had filed the instant renewal of his motion “to preserve the filing date” of his original motion in light of the Supreme Court’s decision in *United States v. Davis*, 139 S.Ct. 2319 (2019) and the Ninth Circuit’s decision in *United States v. Blackstone*, 903 F.3d 1020, 1028 (9th Cir. 2018).

The Ninth Circuit determined that petitioner was not entitled to a certificate of appealability. Therefore, petitioner's renewed motion regarding timeliness is moot.

Accordingly,

IT IS HEREBY ORDERED, ADJUDGED, and DECREED that petitioner's renewed motion pursuant to 28 U.S.C. § 2255 to vacate, set aside, or correct sentence (ECF No.172) be, and the same hereby is, DENIED.

The clerk is directed to enter separate civil judgment denying petitioner's § 2255 motion in the matter of *Archer v. United States*, case number 2:20-cv-01178-JCM and close that case.

DATED August 11, 2023.

James C. Mahan
UNITED STATES DISTRICT JUDGE